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Reply to Office Action of January 31, 2006

PD-990066

### **Remarks**

Claims 1-3, 5-16 and 28 are pending in the application. Claims 1-3 and 5-14 are allowed. Independent claim 15 has been amended in the manner suggested by the Examiner so that independent claim 15 and its dependent claims 16 and 28 are now considered allowable. Accordingly, the application is now deemed in condition for allowance. Moreover, the amendment is properly entered after final action as discussed in greater detail below.

The Examiner maintained the rejection that claims 15, 16 and 28 are unpatentable over the teachings of Hiroi in view of Chawla. Applicants do not retract from their previous arguments that Hiroi fails to teach sensing a plurality of audio signal formats in an uplink processor and redirecting the signals to a plurality of encoders in the uplink processor. Likewise, Chawla's teaching of a content manager in a receiver, using packet identifiers in order to distinguish the English language version from other language content, fails to bear any relationship to the switching input logic of Applicant's uplink processor or how such management may be used to modify the teachings of Hiroi. Nevertheless, Applicant's attorney appreciates the Examiner's comment suggesting that additional clarification of how sensing of audio signal format occurs may prevent an overly broad interpretation of the claims, although Applicant respectfully submits that such an overly broad misinterpretation should not readily occur using ordinary skill in the art.

While the original claim language referred to the sensing of audio signal formats, the Examiner argued that the different language content of the signals in Chawla may also be referred to as multiple audio signal formats. However, while Applicant considers that interpretation unsupported by ordinary skill in the art, the overly broad interpretation that audio format is the same as audio content may be meritorious to the extent that the structure of the signal may physically change depending upon its content. Accordingly, to avoid any overly broad interpretation that different signal content can effect the structure of the audio signal, a clarification that the encoded format refers to a type of

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signal structure rather than signal structure merely due to content changes is acceptable to Applicant, without further narrowing the scope of the language previously believed to have been submitted by the combination of terms audio signal format. As a result, Applicant's attorney has adopted the Examiner's suggestion as clarifying the structural type of difference of a signal detected, although it will be understood that the content differences may also be involved in the switching logic without departing from the present invention.

This amendment is fully supported by the original disclosure and does not add new matter to the application. For example, as discussed in the original application as at page 25, lines 3-9, Applicant discloses an embodiment where the differences of encoded format are expressly referred to in the description. As a result, the amendment is proper for entry and fully supported by the original disclosure.

Moreover, the amendment is made at Applicant's first opportunity to address the suggestions made by the Examiner in the final Office Action, and could not have been made earlier. As discussed above, the differences between the teachings of the references relied upon by the Examiner, as failing to provide a switch logic input as claimed, do not support a rejection under 35 U.S.C. § 103. Moreover, ordinary skill in the art would readily distinguish audio format differences from signal content differences. Nevertheless, the need to avoid overly broad misinterpretation of the claim, so as to confuse the structural differences due to encoding with structural differences due to content, was first brought to light in the Examiner's final Office Action. The Examiner's proposed amendment to resolve that problem is also first brought to light in the final Office Action. As a result, the amendment is made at the first opportunity to address the issue and could not have been made earlier. Accordingly, the amendment is proper for entry under Rule 116. Moreover, the amendment places the application in condition for allowance as suggested by the Examiner.

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In view of the foregoing, Applicant respectfully submits that the present application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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